



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

January 26, 2023

By ECF

The Honorable Judge Kenneth M. Karas
United States District Judge
Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Doe v. SUNY Purchase*, No. 21-8417 (KMK)

Dear Judge Karas:

This Office represents Defendant State University of New York ("SUNY")¹ in the above referenced action. I write on behalf of both parties to respectfully request a 60-day extension of the discovery deadlines, including an extension of the fact discovery deadline from February 10, 2023 to April 11, 2023. This is the parties' first request for an extension of the discovery deadline.

On October 17, 2022, the Court held an initial pre-trial conference between the parties and ordered a case management plan. *See* ECF No. 39. Since that conference, the parties have exchanged Rule 26(a) disclosures, exchanged and responded to document demands and interrogatories, made document productions, and attended two conferences before Magistrate Judge Davison. Defendant has also requested medical records from Plaintiff's treating providers pursuant to releases provided by Plaintiff earlier this month. We respectfully request an extension of the discovery deadlines as the parties are in the process of making further document productions and will need to schedule and conduct witness depositions once the document productions are complete and the medical records are received.

¹ As a subdivision of SUNY, SUNY Purchase is not a legally-cognizable entity separate from SUNY. *See* N.Y. Educ. Law §§ 351-52. Therefore, SUNY is the sole appropriate defendant in this action.

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Accordingly, the parties respectfully request that the Court adopt the following schedule:


- Close of Fact Discovery by April 11, 2023;
- Completion of Plaintiff's Expert Discovery by May 23, 2023;
- Completion of Defendant's Expert Discovery by July 7, 2023.

Per the Case Management Plan, the next Case Management Conference is currently scheduled for February 23, 2023 and any pre-motion letter for a dispositive motion is due by February 9, 2023. While the parties defer to the Court whether to adjourn the conference, the parties respectfully request that the deadline for any pre-motion letter be adjourned until after the close of fact discovery.

The parties thank you for your consideration of this request.

Granted, but there will be no more discovery extensions. The Case Management Conference is adjourned to 7/25/23, at 10:30. The pre-motion letter deadlines are moved accordingly.

So Ordered.


1/26/23

Respectfully submitted,

/s/
Mark R. Ferguson
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Cc (via ECF):

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